

**STIP**

**BRIAN J. SMITH, ESQ.**  
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**Attorney for MOGAVERO**

**UNITED STATES DISTRICT COURT**

**IN AND FOR THE DISTRICT OF NEVADA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**KELLY MOGAVERO,**

**Defendant.**

**Case No.: 2:15-cr-00074-JAD-NJK**

**STIPULATION TO CONTINUE  
SENTENCING DATE  
(SIXTH REQUEST)**

*Certification:* This stipulation is filed pursuant to General Order 2007-04.

IT IS HEREBY STIPULATED AND AGREED, by and between the defendant KELLY MOGAVERO through her attorney BRIAN J. SMITH, ESQ., and the United States of America, through SUSAN CUSHMAN, Assistant United States Attorney, that the sentencing hearing currently scheduled for August 22, 2016, at 11:00 a.m., be vacated and continued to a date and time convenient to this court, but no event earlier than sixty (60) days.

This Stipulation is entered into pursuant to General Order 2007-04 and based upon the following:

1. MOGAVERO is currently set for sentencing on Monday, August 22, 2016.
2. The parties shall require a continuance of the sentencing date in order to complete their respective sentencing memoranda in the defendant's case.

3. MOGAVERO is out of custody and does not object to this continuance.

4. Denial of this request for continuance would deny the defendant sufficient time to be able to assist in her sentencing, taking into account the exercise of due diligence.

5. This is the sixth request for a continuance of the sentencing date in this case.

DATED this 22nd day of July, 2016.

RESPECTFULLY SUBMITTED BY:

/s/ Susan Cushman  
SUSAN CUSHMAN  
Assistant United States Attorney

/s/ Brian J. Smith  
BRIAN J. SMITH, Esq.  
Attorney for MOGAVERO

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FINDINGS OF FACT

Based upon the submitted Stipulation, and good cause appearing therefore, the Court finds that:

1. The parties shall require a continuance of the sentencing date in order to complete their respective sentencing memoranda in the defendant's case.
2. This stipulation complies with General Order 2007-04.

CONCLUSIONS OF LAW

1. Denial of this request for continuance would deny MOGAVERO the opportunity to provide substantial assistance to the Government before being sentenced in this case.

2. Denial of this request for continuance would result in a miscarriage of justice.
3. For all of the above stated reasons, the ends of justice would best be served by a continuance of the sentencing hearing date.
4. The additional time requested by the stipulation, is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and (iv).
5. This is the sixth request for continuance.

**ORDERED**

**IT IS ORDERED UNDER** that the sentencing hearing currently scheduled for August 22, 2016, at 11:00 a.m., be vacated and continued to OCTOBER 24, 2016 at the hour of 11:00 a.m.

IT IS SO ORDERED:

  
UNITED STATES DISTRICT JUDGE

DATED: 07/25/2016